



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> • Invocation and Pledge of Allegiance • Presentations • Summary of Current Events • Liquor license applications • Consent Agenda | <ul style="list-style-type: none"> • Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. • Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. • Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. Thursdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

REGULAR MEETING

**TUESDAY, FEBRUARY 7, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Minister Nathan P. Randolph, Ina Road Church of Christ

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager FEB7-06-64 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager FEB7-06-65 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager FEB7-06-50 CITY-WIDE

b. Liquor License Applications

New License

1. Gourmet of China, Ward 4
2544 S. Kolb Road
Applicant: Sally Xiao Le
Series 12, City 108-05
Action must be taken by: February 16, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

2. Snuffy's Bar & Grill, Ward 5
6302 S. Park Avenue
Applicant: Richard Dale Benner Sr.
Series 06, City 109-05
Action must be taken by: February 17, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. CONSENT AGENDA – ITEMS A THROUGH O

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: (SE-05-22) O'SHAUGHNESSY – CAMINO PRINCIPAL, C-1 ZONING SPECIAL EXCEPTION – APPEAL OF ZONING EXAMINER'S DECISION

- a. Report from City Manager FEB7-06-59 WARD 2
- b. Hearing on an appeal of the Zoning Examiner's decision in special exception case SE-05-22 O'Shaughnessy – Camino Principal. The appeal has been filed by the applicant and property owner, Sam O'Shaughnessy.

The applicant is appealing the decision of the Zoning Examiner not to allow the sale of alcoholic beverages, except beer and wine, in a C-1 zoned restaurant on the east side of Camino Principal, approximately 300 feet southeast of Tanque Verde Road.

The Zoning Examiner held a public hearing on this matter and on November 17, 2005, issued a decision to deny the special exception request. Development Services Department recommends the Zoning Examiner's decision be upheld and the appeal be denied.

9. ZONING: (C9-04-20) OASIS BOTTLED WATER – 22ND STREET R-2 TO I-1, ORDINANCE ADOPTION

- a. Report from City Manager FEB7-06-66 WARD 5
- b. Ordinance No. 10247 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of 22nd Street and Neff Street in Case C9-04-20, Oasis Bottled Water – 22nd Street, R-2 to I-1; and setting an effective date.

10. ZONING: (C9-05-24) YOUNG - TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT

- a. Report from City Manager FEB7-06-53 WARD 2
- b. Report from Zoning Examiner dated December 2, 2005
- c. Request to rezone approximately 4.39 acres from SR to R-1 zoning. Applicant: Don Laidlaw, Laidlaw Consulting, on behalf of the property owner, Frances Hart Young.

The rezoning site is located on the south side of Tanque Verde at the Orange Avenue alignment. The applicant proposes to construct 12 one- and two-story single-family residences on 4.39 acres for a density of 2.7 residences per acre.

The *Bear Canyon Neighborhood Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Bear Canyon Neighborhood Plan* support preservation of the integrity of established neighborhoods, promotion of high-quality residential in-fill development, compatible new development and a mix of housing types. The applicant's property is surrounded by existing established residential neighborhoods and is a good location for a transitional density residential subdivision.

The Zoning Examiner and Development Services Department recommend approval of R-1 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

- 1. A subdivision plat in substantial compliance with the preliminary development plan dated September 20, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
- 2. All conditions requiring improvements to the arterial road system or the regional park system shall be in addition to any required roadway or park impact fees and shall not be eligible to be calculated as offsets against any impact fees.

3. The owner/developer shall install a right turn/deceleration lane and an appropriate transition at the access point to the rezoning site.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Lots one through six shall be limited to one-story residences. All houses shall be territorial style with flat roofs and parapet walls.
6. One canopy tree shall be planted on the street frontage of each lot within the first ten feet of the front yard along the main road and along the two sub streets.
7. Prior to site grading, all viable canopy trees of four-inch or greater caliper (except for trees protected in place) shall be salvaged on to an on-site temporary tree nursery or planted in their ultimate locations, as determined applicable by the Native Plant Preservation Plan.
8. Prior to site grading, temporary fencing shall be installed to delineate grading limits and protect all canopy trees that are to remain in place along the eastern property boundary.
9. Provide a temporary on-site tree nursery with temporary irrigation for all viable canopy trees of four inch caliper or greater. As determined applicable by the Native Plant Preservation Plan, all viable trees shall be replanted on-site within common areas, detention basins, perimeter landscape areas, and/or within the 30-foot wide Scenic Corridor Zone (SCZ) buffer area, where appropriate.
10. All walls visible from a public right-of-way and/or adjacent to existing residential development, shall be graffiti-resistant, finished on both sides and shall incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. Four (4) inch fence block shall not be used for perimeter walls.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City

Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

13. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways as required by the Tucson Outdoor Lighting Code.
14. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
15. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
16. Utility lines providing service to the property shall be undergrounded from the connection to master utility lines in Tanque Verde Road to the individual dwellings, including the undergrounding of the existing utility lines to the west of the property if service is obtained from those lines and the adjacent property owners permit access to underground the lines.

Six (6) written approvals and seven (7) written protests were received prior to the Zoning Examiner's public hearing on November 3, 2005. Three (3) of the protests are within the 150 foot notification area resulting in a protest by area of zero (0) percent to the north and south, 7.3 percent to the east and 32.1 percent to the west. The protests generally allude to increased traffic and density. The protest to the west allude to the need for undergrounding the overhead powerlines on the west boundary of the site.

A simple majority vote by Mayor and Council is required to authorize this rezoning.

11. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

- a. Report from City Manager FEB7-06-69 CITY-WIDE
- b. Resolution No. 20280 relating to the Civil Service Commission; appointing a Commissioner; fixing annual compensation; and declaring an emergency.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager FEB7-06-63 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, February 14, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.